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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,915	07/16/2003	Hans-Georg Klein	23907US	2568

7590 05/11/2005

Martin A. Farber  
Suite 473  
866 United Nations Plaza  
New York, NY 10017

EXAMINER

GOFF II, JOHN L

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 05/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/621,915

Applicant(s)

KLEIN, HANS-GEORG

Examiner

John L. Goff

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21-25.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 10/000,900.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/16/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. Claims 21-25 are objected to because of the following informalities: In claim 1, line 3 following "a base nonwoven," insert -- rendered --. This correction is required for clarification of the claim and is consistent with the specification page 1, lines 3-7. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Lou (U.S. Patent 4,684,568).

Lou discloses a continuous process for producing a breathable roofing underlayment comprising providing a base nonwoven, slot-extruding a hotmelt adhesive film onto a surface of the base nonwoven, and passing the base nonwoven and extruded film through a pair of nip rolls, the roll nip applying pressure to both the base nonwoven and extruded film such that inherently the extruded film penetrates the voids of the nonwoven (Figures 1 and 2 and Column 1, lines 5-23 and Column 2, lines 38-52 and 66-68 and Column 3, lines 1-58).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lou as applied to claims 21-23 above, and further in view of Weiter et al. (U.S. Patent 5,219,635).

Lou as applied above teaches all of the limitations in claim 24 except for a teaching of one of the nip rolls including an embossing structure. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use as at least one of the nip rolls taught by Lou a roll having an embossing structure such that after passing through the pair of nip rolls the underlayment has increased slip resistance as was well known and conventional in the art as shown for example by Weiter et al.

Weiter et al. are exemplary in the art of forming a breathable roofing underlayment from a base spunbonded web and an adhesive wherein the formed underlayment passes through a pair of nip rolls, at least one of the rolls having an embossing structure, such that after passing through the pair of nip rolls the underlayment has increased slip resistance (Column 1, lines 10-18, 40-47, and 65-68 and Column 2, lines 14-16).

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6. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lou as applied to claims 21-23 above, and further in view of Corovin (DE 29801953 and the English abstract) and Ambrosch (DE 19908465 and the English abstract).

Lou as applied above teaches all of the limitations in claim 25 except for a teaching of including a second nonwoven and a reinforcing grid in the underlayment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include in the underlayment taught by Lou any of the well known and conventional underlayment layers such as a second nonwoven (e.g. having properties such as increased weather and/or fire resistance) and/or a reinforcing grid (e.g. to improve the strength of the underlayment) as was conventional in the art as shown for example by Corovin and Ambrosch.

Corovin is exemplary in the art of a breathable roofing underlayment formed of a first base nonwoven having a property of increased weather resistance, a hotmelt adhesive film, and a second base nonwoven having a property of increased fire resistance (See the English abstract). Ambrosch is exemplary in the art of a breathable roofing underlayment formed of a base nonwoven, adhesive film, and a strength providing reinforcing grid (See the English abstract).

7. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corovin in view of Lou.

Corovin is described in full detail above. It is noted that while Corovin teaches the layers of the underlayment are melt bonded, Corovin is silent as to specifically disclosing the hotmelt adhesive film is applied to one or both of the layers by slot-extruding. It would have been obvious to one of ordinary skill in the art at the time the invention was made to bond the layers of the underlayment taught by Corovin in any well known and conventional melt bonding

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manner such as by slot-extruding the hotmelt adhesive and uniting the layers by passing through a pair of nip rolls as was known in the art as shown for example by Lou as only the expected results, i.e. that of melt bonding the layers of the underlayment, would be achieved. Lou is described above in full detail.

8. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Corovin and Lou as applied to claims 21-23 above, and further in view of Weiter et al.

Corovin and Lou as applied above teach all of the limitations in claim 24 except for a teaching of one of the nip rolls including an embossing structure. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use as at least one of the nip rolls taught by Corovin as modified by Lou a roll having an embossing structure such that after passing through the pair of nip rolls the underlayment has increased slip resistance as was well known and conventional in the art as shown for example by Weiter et al. Weiter et al. is described above in full detail.

9. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Corovin and Lou as applied to claims 21-23 above, and further in view of Ambrosch.

Corovin and Lou as applied above teach all of the limitations in claim 25 except for a teaching of including a reinforcing grid in the underlayment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include in the underlayment taught by Corovin as modified by Lou any of the well known and conventional underlayment layers such as a reinforcing grid (e.g. to improve the strength of the underlayment) as was conventional in the art as shown for example by Ambrosch. Ambrosch is described above in full detail.

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***Conclusion***


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John L. Goff** whose telephone number is **(571) 272-1216**. The examiner can normally be reached on M-F (7:15 AM - 3:45 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John L. Goff



JEFF H. AFTERGUT  
PRIMARY EXAMINER  
GROUP 1300